

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : William Teague et al. Art Unit : 3694
Serial No. : 09/941,491 Examiner : Meinecke Diaz, Susanna M
Filed : August 29, 2001 Conf. No. : 6239
Title : A MARKET INDICATOR PROCESS AND METHOD

Mail Stop Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

In response to the Restriction Requirement dated January 17, 2006, applicant responds as follows:

The examiner contends that this application contains claims directed to patentably distinct species. The examiner stated:

Species I: A methodology for predicting an opening index price of a security index, wherein the security index is a market capitalization weighted index (claims 4-9 and 20-24).

Species II: A methodology for predicting an opening index price of a security index, wherein the security index is a stock weighted index (claims 10-14 and 25-28).

The examiner contends that the species are independent or distinct because they are mutually exclusive and separately patentable approaches for predicting an opening index price of a security index."

Applicant pursuant to 35 U.S.C. 121 elects to prosecute the disclosed species of FIG. 2. Currently, claims 1-3, 15-19, 29, and 30 are generic.

Claims 4-9, 20-24 read on Species I, whereas Claims 10-14 and 25-28 read on Species II.

The election of the species is made without traverse subject to rejoinder of the claims directed to the non-elected species upon allowance of generic claims.

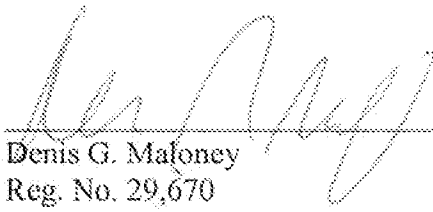
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Attorney's Docket No.: 09857-042001

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Respectfully submitted,

Date: 2/12/07



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